



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number:
P.C. August 11, 2004 Item:

File Number:
GP04-04-03

Council District and SNI Area:
4

Major Thoroughfares Map Number:
67

Assessor's Parcel Number(s):
254-17-077 and -078

Project Manager: Dionne Early

GENERAL PLAN REPORT

2004 Summer Hearing

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram on a 3.96-acre site from Light Industrial to Medium High Density Residential (12-25 DU/AC). As an alternative to the applicant's request, staff proposes a change to Transit Corridor Residential (20+ DU/AC).

LOCATION: Northwest corner of Mabury Road and North King Road (1689 and 1699 Mabury Road).

ACREAGE: 3.96

APPLICANT/OWNER:

Ray Hashimoto-HMH Engineers/ Ralph Borelli-Cherry Acres Partnership & Borelli Investments

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Light Industrial Proposed Designation: Medium High Density Residential (12-25 DU/AC)

EXISTING ZONING DISTRICT(S): Industrial Park (IP)

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Single-family Detached Residential (13.2 DU/AC); Medium Density Residential (8-16 DU/AC)

South: Light Industrial/Office Complex; Light Industrial

East: Multi-family Residential (22.6 DU/AC); Medium High Density Residential (12-25 DU/AC)

West: Light Industrial/Office Complex; Light Industrial

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration to be adopted on August 11, 2004.

PLANNING STAFF RECOMMENDATION:

Transit Corridor Residential (20+DU/AC).

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Parks, Recreation and Neighborhood Services Department (PRNS)—The applicant proposed designation of Medium High Density Residential (12-25 DU/AC) would result in an increase of 55 to 115 new residential units generating the need for between 0.5 and 1.06 acres of land. PRNS staff recommends the collection of in-lieu fees from a future housing project on this site.
- Parks Commission—The Commission concurs with the PRNS assessment above and suggests the in-lieu fees be used to enhance the recreational opportunities associated with Reach 6 of the Penitencia Creek and Park Project.
- Department of Transportation (DOT)—The estimated number of PM peak hour trips resulting from the proposed or alternative (staff recommended) land use change is exempt from a computer model (TRANPLAN) traffic analysis.
- Department of Public Works (DPW) –The Transportation and Development Services Division indicates the subject site is in the AO-1 Flood Zone, a State Liquefaction Zone, and has inadequate storm capacity. The existing storm drain line(s) along both King Road and Mabury Road cannot accommodate a 10-year storm. No mitigation was recommended.
- Santa Clara Valley Water District (SCVWD) –The agency recommends the first floor elevation be two (2) feet above the 1 percent water elevation. Development of the site will not have a direct adverse impact on Upper Penitencia Creek though the cumulative increase in runoff should be considered. Site design measures should be incorporated in the development to reduce impervious areas and the amount of runoff from developed areas of the site.
- Pacific Gas & Electric – PG&E has no objections regarding GP04-04-03.
- Santa Clara Valley Transportation Authority (VTA)—VTA encourages the City to work with the applicant to achieve higher densities at the subject site. VTA requests that the site be added to the City of San Jose effort currently underway for the areas around the Berryessa Flea Market site.

GENERAL CORRESPONDENCE:

One letter was received from Dale Warner, President of the Independence High Neighborhood Association. The organization's concerns are a) public outreach by applicant to the organization; b) inadequate documentation regarding trees, Upper Penitencia Creek, and storm drain problems; c) on-site public and private open space; d) interface with the planned Berryessa BART station; e) interface with existing overall neighborhood; and f) mitigation of related traffic congestion. A copy of this letter and staff response are included in this Staff Report.

A copy of the Grant of Easement for Storm Drainage and Surface Drainage Release Purposes in association with File No. PD99-042, a Planned Development Permit for the construction of 90 single-family detached and 75 affordable multi-family attached residences on the 13.6-gross acre site adjacent to the north of the subject site is included as an attachment with this Staff Report. The document describes the 15-foot easement on the subject site.

ANALYSIS AND RECOMMENDATIONS:

RECOMMENDATION

Staff recommends a change to the General Plan Land Use/Transportation Diagram designation for the subject site from Light Industrial to Transit Corridor Residential (20+ dwelling units per acre). Existing General Plan policies specifically indicate that the density for properties designated Transit Corridor Residential (20+ DU/AC) within a BART Station Area Node should generally exceed 45 dwelling unit per acre for residential sites. Planning staff recommends direction be included that future development of the site should achieve a minimum density of 45 dwelling units per acre. BART Station Area Nodes are areas defined by a circle with a radius of 3,000 feet from a planned BART station; the subject site is approximately 1000 to 1200 feet from the proposed station location. Transit Corridor Residential (20+ DU/AC) would also conform to expectations for the site being developed as part of the current master plan effort for the Berryessa BART station site and surroundings.

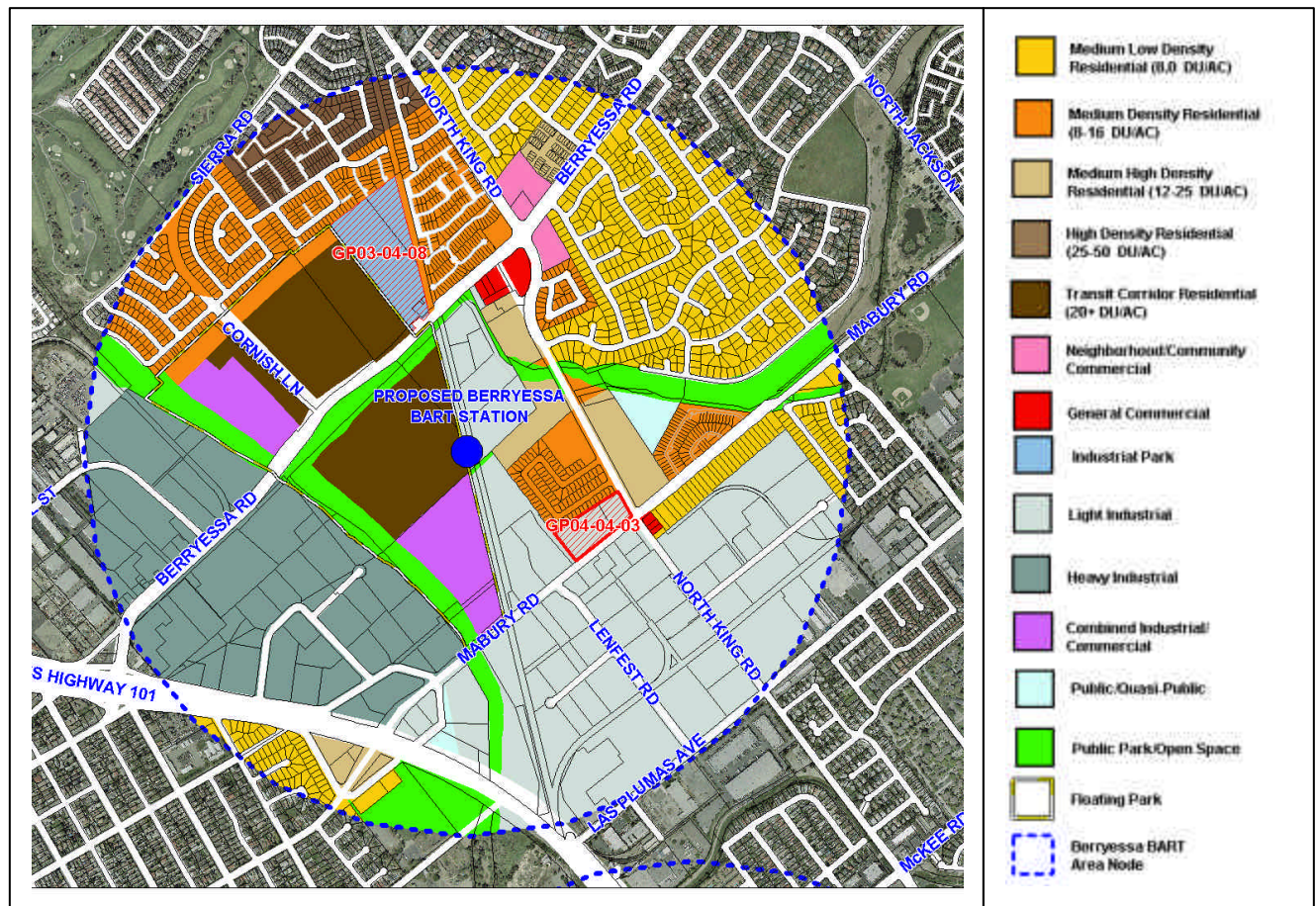


Figure 1. Map illustrating the boundary of the Berryessa BART Station Area Node, the approximate location of the proposed station, a Housing Opportunities Study Phase III site located on Berryessa Road, and the subject site at the northwest corner of Mabury Road and North King Road.

The general purpose of the BART Station Area Nodes is to acknowledge the importance of land uses and transit-oriented development needed to support BART operations and ridership. Appropriate land uses within a BART Station Area Node are similar to that of the Transit-

Oriented Development Corridor, including higher residential densities, more intensive job generating uses, and mixed use development.

The land use change to Transit Corridor Residential (20+ DU/AC) for the site is appropriate for the following reasons:

- The proposed change in land use designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) would eliminate the potential for approximately 71 jobs. In comparison, the staff recommended designation could eliminate fewer jobs—approximately 59. This lower job loss is mainly due to the fact that the Transit Corridor Residential (20+ DU/AC) designation allows commercial use on the first and second floors of the building(s). Therefore, jobs could be created by land designated Transit Corridor Residential.
- According to General Plan land use formulas, the proposed designation, Medium High Density Residential (12-25 DU/AC), would create approximately 48-99 dwelling units while Transit Corridor Residential (20+ DU/AC) would create approximately 178-218 housing units and potentially 9,703 square feet of commercial space.
- A Transit Corridor Residential (20+ DU/AC) designation at this site may help mitigate potentially incompatible uses: residential to the north and light industrial to the south. The service component of this designation could provide neighborhood-serving commercial uses along Mabury Road (south side of property) while focusing residential or open space use toward the existing residential area north of the subject site.
- The Housing Opportunities Study Phase III site located on Berryessa Road is also within the BART Station Area Node. The City Council initiated General Plan amendment currently on file (GP03-04-08) for that site would change the Land Use/Transportation Diagram designation from Industrial Park to Transit Corridor Residential (20+ DU/AC). This site is approximately the same distance from the proposed station as the subject site and is also bounded by housing built at a lower density (8-12 DU/AC) than is being proposed for the site.
- The *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses* identifies the industrial area to the south of the subject site and east of Coyote Creek, as an area to consider for transit-oriented development near the Berryessa BART station.
- The Santa Clara Valley Transit Authority (VTA) has recommended that the City work with the applicant to achieve higher densities at the project site than Medium High Density Residential (12-25 DU/AC). One reason for this recommendation is to illustrate to BART funding sources that a transit supporting designation proposed by the applicant housing exists within a 3,000-foot radius of all future station locations.

PROJECT DESCRIPTION

This is a privately initiated General Plan amendment to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC)

on a 3.96-acre site on the northwest corner of Mabury Road and King Road. The alternative being considered by staff is a land use change from Light Industrial to Transit Corridor Residential (20+ DU/AC). General Plan policies recommend the density on urban Transit Corridor Residential sites should generally exceed 45 dwelling units per acre.

Medium High Density Residential (12-25 DU/AC) is typified by two-story apartments and condominiums with surface parking. In some cases taller buildings balanced with open space are allowed. Transit Corridor Residential (20+ DU/AC) is intended for sites located within a reasonable walking distance of passenger rail stations. A reasonable walking distance is generally 2,000 feet. In BART Station Area Nodes, areas within a 3,000-foot radius of the BART station, “Development should be wholly residential or allow commercial uses on the first two floors with residential uses on remaining floors and should generally exceed 45 DU/AC unless particular circumstances warrant a lower density to preserve the character of adjacent neighborhoods. On larger sites, a project can be designed with a mix of densities to provide a compatible edge to existing lower density neighborhoods while still achieving the expected minimum density. This category is intended to expand the potential for residential development with convenient access to major job centers and to create new consumer markets in the appropriate areas of the City.” Multi-story podium style apartments and condominiums with parking accommodated on surface lots or in parking structures typify this designation. No specific development is proposed on this property at this time.

BACKGROUND

The subject site has the potential to act as a transitional site between different uses. To its north and east, current uses, existing zoning, and General Plan land use designations are all residential, while to the south and west, current uses, existing zoning, and General Plan land use designations are a mixture of light industrial and industrial office park. According to the Framework, the industrial land east of Coyote Creek if proposed for conversion should be considered for transit-oriented development in support of the proposed Berryessa BART station.



Figure 2. Aerial photo illustrating GP04-04-03 site, GP02-04-02 site (Flea Market site currently being planned for Berryessa BART station and surrounding transit-oriented development.

Site & Surrounding



Figure 3. North of the subject site is residential with Land Use/Transportation Diagram densities ranging from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC). Pictures show housing to the north (photo 1 and 2) and east (photo 3) of the subject site with actual densities of 13.2 DU/AC, 23.2 DU/AC, and 22.6 DU/AC respectively.



Figure 4. South of the subject site is predominantly light industrial and offices uses with Land Use/Transportation Diagram designation of Light Industrial. The Framework indicates that this area should be considered for Transit Oriented Development in support of the planned Berryessa BART station.



Figure 5. Photos are of industrial building to the west of the subject site and the subject site, respectively.



Figure 6. To the west, beyond the neighboring industrial buildings is the Berryessa BART station site currently being planned. The three pictures above show the site looking north from Mabury Road, Berryessa Road looking south toward Upper Penitencia Creek, and the flea market parking lot north of Berryessa Road looking towards Coyote Creek and the industrial lands to the east.

ANALYSIS

Framework to Evaluate Proposed Conversions of Employment Lands to Other Uses

The purpose of the Framework is to be a guideline to evaluate proposed conversions of employment lands to other uses. The intent of the Framework is to create more certainty and predictability in the review of employment land conversion proposals while retaining flexibility to respond to changing conditions, information, and policy considerations. The subject site is bounded to the south by the *Northeast San Jose* subarea, which the Framework generally indicates should be considered for conversion to housing, retail, mixed use, or other Household Serving Industries in certain circumstances. The Framework specifically indicates that the portion east of Coyote Creek should be considered for housing near the Berryessa BART station that is consistent with City Transit-Oriented Development policies.

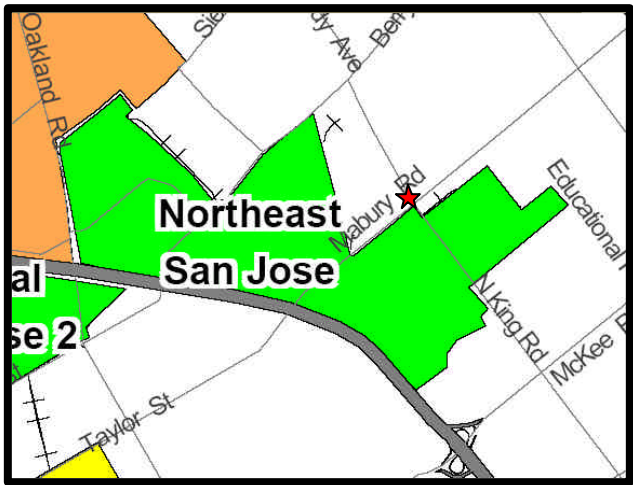


Figure 7. Northeast San Jose subarea and subject site.

For comparison, it is useful to look at a site under evaluation as part of the Housing Opportunities Study Phase III located on Berryessa Road and also within the Berryessa BART Station Area Node. The City Council initiated General Plan amendment currently on file (GP03-04-08) for this other site proposes to change the Land Use/Transportation Diagram designation from Industrial Park to Transit Corridor Residential (20+ DU/AC). This other site is approximately the same distance from the proposed station as the subject site.

The analysis of criteria for evaluation of proposed conversion to residential or mixed residential/commercial use (such as Transit Corridor Residential) follows:

A. Economic contribution of the subarea: What is the economic contribution of the subarea to the San Jose and Silicon Valley economy and job base? How would this economic contribution be enhanced or reduced by the proposed conversion? The chart below illustrates that fewer potential jobs would be eliminated under the Transit Corridor Residential land use designation.

Job Base Reduction of Site	MHDR (12-25 DU/AC)	TCR (20+ DU/AC)
Potential Jobs Eliminated By Designation*	71	59

*As calculated for TRANPLAN analysis.

B. Consistency with City Policies and Strategies: How does the proposed conversion and specific proposed use(s) and intensities advance the City’s policies and strategies as contained in the General Plan, Specific Plans, and other strategic documents? The chart

below illustrates that the proposed land use designation of Medium High Density Residential (12-25 DU/AC), while consistent with General Plan Major Strategies is not consistent with General Plan strategies and policies related to BART:

Applicable Major Strategies & Policies of the General Plan	MHDR (12-25 DU/AC)	TCR (20+ DU/AC)
Growth Management Major Strategy	Y	Y
Housing Major Strategy	Y	Y
Sustainable City Major Strategy	Y	Y
Special Strategy Areas: BART Station Area Nodes	N	Y
Special Strategy Areas: Berryessa Station Area Node	N	Y
Residential Land Use Policy 23	N	Y

C. Proximity to existing neighborhoods and areas in transition: How would the new residential/mixed use knit with adjacent existing or planned residential and/or retail uses, and/or fill-in gaps in areas already partially converted or transitioning to residential use? Does the proposed conversion eliminate small islands or peninsulas of industrially designated/zoned land that would be suitable for conversion to residential to make them consistent with surrounding uses? General Plan policies encourage housing density development of at least 45 DU/AC within a 3,000-foot radius of all future BART station locations. File No. GP02-04-02, the approved General Plan amendment for the Berryessa Flea Market site of the future BART station location, includes conversion of 58.4 acres to Transit Corridor Residential (20+ DU/AC). The area closer to the station and the area south of the station should include higher intensity residential and employment uses to take advantage of the high-speed rail transit facility. The subject site is included in the Berryessa BART station area master plan study being conducted by Planning staff and consultants for the Flea Market Planned Development zoning. As stated in GP02-04-02 as well as the associated and also approved Text amendment GP02-T-08, the flea market site residential densities should be most intense near the station, and the overall site should achieve a density of 55 dwelling units per acre.

D. Proximity to incompatible employment uses (e.g., manufacturing, recycling, etc.): Where are the nearest incompatible industrial areas which might generate impacts due to hours of operation, deliveries, noise, odors, hazardous materials, etc.? How might the new residential use put pressure on the existing industrial uses to modify their operations? The closest heavy industrial use areas are approximately 1,300 feet southwest of the site on the west of Coyote Creek. Light industrial and industrial park uses are also across the street and adjacent to the subject site. There is currently no indication that incompatible uses exist in those areas that would create impacts on the subject site or that the subject site would impact.

E. Potential inducement of additional conversions to residential use? How might the proposed residential use induce or pressure adjacent or nearby properties to convert to residential use? Coyote Creek is a natural barrier currently dividing heavy industrial uses from light industrial uses in this area. There is some potential for light industrial lands south of Mabury Road and the subject site to convert to Transit Corridor Residential (20+ DU/AC). South of the light industrial lands exists single-family and multi-family housing near Independence

High School. The Framework suggests considering the industrial land east of Coyote Creek for transit-oriented development in support of BART.

F. Proximity to transit service: Is the proposed housing site within 3000 feet of a planned BART Station or 2000 feet of an existing, funded or planned Light Rail Station? The subject site is within approximately 1,000-1,200 feet of the planned Berryessa BART Station.

G. Proximity to compatible employment uses (e.g., office/R&D): Where are the nearest existing or planned employment areas with compatible land use characteristics, thereby creating potential alternate commute (walk/bike to work) opportunities? The nearest existing employment areas are directly across Mabury Road and adjacent to the subject site. Approximately 31 acres of Combined Industrial/Commercial use is designated for the planned Berryessa BART station area with the closest site less than 1,000 feet southwest of the subject site. Approximately 925,250 square feet of office/industrial uses are planned for the Berryessa BART site.

H. Availability of neighborhood services, and residential and commercial mixed use drivers: Where are the nearest existing and/or planned neighborhood serving retail, parks, libraries, schools, open space/trails, etc.? How would the proposed conversion potentially enhance city services (e.g., by creating or improving neighborhood parks)? How would the proposed residential conversion potentially strengthen neighborhood and general commercial uses in the area by adding resident population? Does the proposed conversion involve a mixed residential and commercial development on the site? According to the approved General Plan amendment for the Flea Market site, File No. GP02-04-02, new neighborhood serving retail, open space/trails, parks and a school are all part of the anticipated future master plan for the planned Berryessa BART station and surrounding areas. If conversion to residential uses occurs on the subject site the Parks Department and the Parks Commission asks that in-lieu fees be paid and used to enhance the recreational opportunities associated with Reach 6 of the Penitencia Creek and Park Project. The proposed conversion to Medium High Density Residential (12-25 DU/AC) would only create housing while conversion to Transit Corridor Residential (20+ DU/AC) could create housing combined with the opportunity for the inclusion of neighborhood serving commercial uses. Educational Park Public Library is located approximately 0.5 miles from the subject site.

The Framework also analyzes public benefit, adequacy of fire and police service levels, promotion and utilization of bicycle and pedestrian facilities, potential environmental impacts, and potential fiscal impacts for proposals at the Planned Development zoning stage. The subject site is a small infill site located within a BART Area Station Node and, as such, particularly with the higher density proposed by staff, the fiscal impact to the City would be minimal. Delivery of public services required to serve the site would not unduly burden the City, in comparison to housing located further from transit.

Consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies

While the proposed General Plan Amendment is consistent with the Major Strategies of the City's General Plan, it is not consistent with all applicable Goals and Policies particularly those associated with transit-oriented development and BART Station Area nodes. To be consistent

with all applicable General Plan Goals and Policies the subject site's land use designation should be changed to the staff recommended Transit Corridor Residential (20+ DU/AC) and direction given that future development on the site should achieve a minimum density of 45 dwelling unit per acre as Urban Transit Corridor Residential.

The more specific Urban Transit Corridor Residential designation in the General Plan is intended for sites located within a reasonable walking distance of passenger rail stations. Development should be residential or allow commercial uses on the first two floors and should generally exceed 45 dwelling units per acre. This category is intended to expand the potential for residential development with convenient access to major job centers and to create new consumer markets in the appropriate areas of the City. The subject site is well within the Urban Transit Corridor Residential area radius for the Berryessa BART station.

The Major Strategies and Goals and Policies of the City's General Plan support infill residential development in appropriate areas of the City and encourage sustainable practices, such as orienting residential development near transit facilities and existing retail and commercial uses. This helps to increase the availability and convenience of transit, biking, walking, and shortens trip lengths, thereby conserving energy and improving water and air quality. Following are Major Strategies of the General Plan applicable to the applicant's proposal or staff's recommendation:

- The Growth Management Major Strategy, which seeks to promote new growth within the Greenline/Urban Growth Boundary and encourages infill development within urbanized areas where urban facilities and services are already available.
- The Housing Major Strategy, which seeks to maximize housing opportunities on infill parcels already served by the City and to consider the addition of new residential lands only when the City is confident that urban services can be provided.
- The Sustainable City Major Strategy, which promotes the importance of conservation and preservation of natural resources in the City.
- The Special Strategy Areas: BART Station Area Nodes, which states that the general purpose of the nodes is to direct transit-oriented and pedestrian friendly land use development in close proximity to BART stations as they are suitable for higher density residential densities, more intensive job generating uses, and mixed use development to support BART ridership.
- The Special Strategy Areas: Berryessa Station Area Node, which states that the Berryessa Station Area Node is planned for a mix of job generating land uses, high density residential, and supportive commercial uses. Land use designations for the area are listed as follows: Transit Corridor Residential (20+ DU/AC), Medium Density Residential (8-16 DU/AC), Combined Industrial/Commercial, and Public Park/Open Space. The site should have an overall residential density of 55 DU/AC.
- Residential Land Use Policy 23 states that new high-density residential development in Transit-Oriented Development Corridors and BART Station Area Nodes should be designed to protect residents from any potential conflicts with adjacent land uses.

The San Jose 2020 General Plan has seven Major Strategies that establish the basic framework for planning in San Jose. The applicant's proposal to change the designation to Medium High Density Residential is consistent with the following Major Strategies of the General Plan:

- The Growth Management Major Strategy;
- The Housing Major Strategy;
- The Sustainable City Major Strategy.

The staff recommended designation of Transit Corridor Residential is consistent with the following Major Strategies and policies of the General Plan:

- The Growth Management Major Strategy;
- The Housing Major Strategy;
- The Sustainable City Major Strategy;
- The Special Strategy Areas: BART Station Area Nodes;
- The Special Strategy Areas: Berryessa Station Area Node;
- Residential Land Use Policy 23.

ENVIRONMENTAL REVIEW

The proposed change in the General Plan land use designation on the subject site was analyzed in an Initial Study that resulted in a Mitigated Negative Declaration. The Initial Study concluded that the proposed land use change from Light Industrial to Medium High Density Residential (12-25 DU/AC) or to Transit Corridor Residential (20+ DU/AC) would result in less than significant environmental impacts.

Land Use

The applicant proposed land use designation would allow the conversion of light industrial uses on the property to residential use at a range of 12 to 25 units per acre. While this is consistent with existing residential development on adjacent and nearby properties and would not physically divide an established community, the alternative land use designation at a range of 20+ (minimum of 45) dwelling units per acre may help mitigate two potentially incompatible uses. With residential to the north and light industrial to the south, the Transit Corridor Residential (20+ DU/AC) designation with its potential to provide a service component, could provide neighborhood-serving office and commercial uses along Mabury Road (south side of property) while focusing residential and/or open space use toward the existing residential area north of the subject site.

Transit Corridor Residential is a more dense designation than the majority of surrounding residential development in the area, but is consistent with future development of the Berryessa BART station west of the subject site and the future development of the industrial area south of the subject site for transit-oriented development.

Amending the General Plan to Medium High Density Residential (12-25 DU/AC) or Transit Corridor Residential (20+ DU/AC), in conformance with existing General Plan policies and

avoidance measures, would not result in significant land use impacts. Any future application for development of the site would be subject to subsequent site-specific development review by the City of San Jose, including conformance with the City's adopted Residential Design Guidelines. The Guidelines are intended to ensure that new development is compatible with existing neighborhood character and that development does not adversely impact neighboring residential uses.

Population & Housing

The proposed re-designation of the site from a light industrial use to Medium High Density Residential (12-25 DU/AC) or alternatively, Transit Corridor Residential (20+ DU/AC) would allow the construction of more units than are currently allowed under the General Plan, and would help accommodate projected future growth. Under the Medium High Density Residential designation, the site could potentially allow a range of approximately 40 to 84 units. The proposed alternative designation of Transit Corridor Residential (20+ DU/AC) could yield between 178-218 dwelling units and 9,700 square feet of commercial.

PUBLIC OUTREACH

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on June 24 and 30, 2004. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment before the Planning Commission on August 11, 2004 and City Council on September 21, 2004. The Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

Staff has received written correspondence from the Independence High Neighborhood Association on the proposed amendment. The letter is included in this Staff Report. In response to this letter, staff faxed the applicant a copy along with a note encouraging outreach to the community. Additionally, staff spoke to the author of the letter in person.

Attachments

cc: Letter from the Independence High Neighborhood Association.

Grant of Easements for Storm Drainage and Surface Drainage Release Purposes

Letters from all of the following:

Parks, Recreation and Neighborhood Services Department (PRNS)—Two (2) letters

Department of Transportation (DOT)

Department of Public Works (DPW)

Santa Clara Valley Water District (SCVWD)

Pacific Gas & Electric (PG & E)

Santa Clara Valley Transportation Authority (VTA)

GP04-04-03

